

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

MAY 12 2005

FILED  
CLERK'S OFFICE

*DOCKET NO. 1456*

*BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION*

*IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE  
LITIGATION*

*(SEE ATTACHED SCHEDULE)*

*CONDITIONAL TRANSFER ORDER (CTO-21)*

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 35 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

MAY 31 2005

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FOR THE PANEL:

*Michael J. Beck*  
Michael J. Beck  
Clerk of the Panel

**SCHEDULE CTO-21 - TAG-ALONG ACTIONS**  
**DOCKET NO. 1456**  
**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE**  
**LITIGATION**

DIST. DIV. C.A. #CASE CAPTION

## NEW YORK NORTHERN

|              |   |
|--------------|---|
| NYN 1 05-408 | The County of Washington v. Abbott Laboratories, Inc., et al.     |
| NYN 1 05-422 | County of Rensselaer v. Abbott Laboratories, Inc., et al.         |
| NYN 1 05-425 | County of Albany v. Abbott Laboratories, Inc., et al.             |
| NYN 1 05-468 | County of Warren v. Abbott Laboratories, Inc., et al.             |
| NYN 1 05-474 | County of Greene v. Abbott Laboratories, Inc., et al.             |
| NYN 1 05-478 | County of Saratoga v. Abbott Laboratories, Inc., et al.           |
| NYN 3 05-354 | County of Chenango v. Abbott Laboratories, Inc., et al.           |
| NYN 3 05-456 | The County of Broome v. Abbott Laboratories, Inc., et al.         |
| NYN 5 05-397 | County of Tompkins v. Abbott Laboratories, Inc., et al.           |
| NYN 5 05-423 | County of Cayuga v. Abbott Laboratories, Inc., et al.             |
| NYN 6 05-415 | County of Herkimer, New York v. Abbott Laboratories, Inc., et al. |
| NYN 6 05-489 | County of Oneida v. Abbott Laboratories, Inc., et al.             |
| NYN 7 05-479 | County of Saint Lawrence v. Abbott Laboratories, Inc., et al.     |

## NEW YORK WESTERN

|                         |  |
|-------------------------|--|
| NYW 1 05-214            | County of Chautauqua v. Abbott Laboratories, Inc., et al.                      |
| NYW 1 05-236            | County of Allegany v. Abbott Laboratories, Inc., et al.                        |
| NYW 1 05-256            | County of Cattaraugus v. Abbott Laboratories, Inc., et al.                     |
| <del>NYW 1 05-259</del> | <del>County of Erie v. Abbott Laboratories, Inc., et al.</del> Opposed 5/24/05 |
| NYW 6 05-6138           | County of Wayne v. Abbott Laboratories, et al.                                 |
| NYW 6 05-6148           | County of Monroe v. Abbott Laboratories, Inc., et al.                          |
| NYW 6 05-6172           | County of Yates v. Abbott Laboratories, Inc., et al.                           |

**U.S. District Court  
Northern District of New York [LIVE - Version 2.4] (Watertown)  
CIVIL DOCKET FOR CASE #: 7:05-cv-00479-TJM-GHL**

County of Saint Lawrence v. Abbott Laboratories, Inc. et al  
Assigned to: Judge Thomas J. McAvoy  
Referred to: Magistrate Judge George H. Lowe  
Cause: 42:1396 - Tort Negligence

Date Filed: 04/19/2005  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**County of Saint Lawrence**

represented by **Aaron D. Hovan**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Abbott Laboratories, Inc.**

**Defendant**

**Alcon Laboratories, Inc.**

**Defendant**

**Allergan, Inc.**

**Defendant**

**Alpharma, Inc.**

**Defendant**

**Purepac Pharmaceutical Co.**

**Defendant**

**Amgen, Inc.**

**Defendant**

**Immunex Corp.**

**Defendant**

**Andrx Corp.**

**Defendant**

**Astrazeneca Pharmaceuticals L.P.**

**Defendant**

**Aventis Pharmaceuticals, Inc.**

**Defendant**

**Dermik Laboratories, Inc.**

**Defendant**

**Barr Laboratories, Inc.**

**Defendant**

**Bayer Corporation**

**Defendant**

**Berlex Laboratories, Inc.**

**Defendant**

**Biogen Idec, Inc.**

**Defendant**

**Biovail Pharmaceuticals, Inc.**

**Defendant**

**Bristol Myers Squibb Company**

**Defendant**

**Oncology Therapeutics Network  
Corp.**

**Defendant**

**Ben Venue Laboratories, Inc.**

**Defendant**

**Boehringer Ingelheim Corp.**

**Defendant**

**Boehringer Ingelheim  
Pharmaceuticals, Inc.**

**Defendant**

**Roxane Laboratories, Inc.**

**Defendant**

**Dey, Inc.**

**Defendant**

**Eisai, Inc.**

**Defendant**

**Eli Lilly and Company**

**Defendant**

**Endo Pharmaceuticals, Inc.**

**Defendant**

**Ethex Corp.**

**Defendant**

**Forest Laboratories, Inc.**

**Defendant**

**Forest Pharmaceuticals, Inc.**

**Defendant**

**Fujisawa Healthcare, Inc.**

**Defendant**

**Fujisawa USA, Inc.**

**Defendant**

**Genentech, Inc.**

**Defendant**

**Genzyme Corp.**

**Defendant**

**Gilead Sciences, Inc.**

**Defendant**

**Glaxosmithkline, P.L.C.**

**Defendant**

**SmithKline Beecham Corporation**

*doing business as*

**Glaxosmithkline**

**Defendant**

**Hoffman-La Roche, Inc.**

**Defendant**

**Roche Laboratories, Inc.**

**Defendant**

**Ivax Corp.**

**Defendant**

**Ivax Pharmaceuticals, Inc.**

**Defendant**

**Janssen Pharmaceutica Products, LP**

**Defendant**

**Johnson & Johnson**

**Defendant**

**McNeil-PPC, Inc.**

**Defendant**

**Ortho Biotech Products LP**

**Defendant**

**Ortho-McNeil Pharmaceutical, Inc.**

**Defendant**

**King Pharmaceuticals, Inc.**

**Defendant**

**Monarch Pharmaceuticals, Inc.**

**Defendant**

**Medimmune, Inc.**

**Defendant**

**Merck & Co., Inc.**

**Defendant**

**Mylan Laboratories, Inc.**

**Defendant**

**Mylan Pharmaceuticals, Inc.**

**Defendant**

**UDL Laboratories, Inc.**

**Defendant**

**Novo Nordisk Pharmaceuticals, Inc.**

**Defendant**

**Novartis Pharmaceuticals Corp.**

**Defendant**

**Sandoz, Inc.**

**Defendant**

**Organon Pharmaceuticals USA, Inc.**

**Defendant**

**Par Pharmaceutical, Inc.**

**Defendant**

**Agouron Pharmaceuticals, Inc.**

**Defendant**

**Greenstone, Ltd.**

**Defendant**

**Pfizer, Inc.**

**Defendant**

**Pharmacia Corporation**

**Defendant**

**Purdue Pharma, L.P.**

**Defendant**

**Reliant Pharmaceuticals**

**Defendant**

**Sanofi-Synthelabo, Inc.**

**Defendant**

**Schering-Plough Corp.**

**Defendant**

**Schering Corporation**

**Defendant**

**Warrick Pharmaceuticals Corp.**

**Defendant**

**Serono, Inc.**

**Defendant**

**Takeda Pharmaceuticals North  
America, Inc.**

**Defendant**

**Tap Pharmaceutical Products, Inc.**

**Defendant**

**Teva Pharmaceutical USA, Inc.**

**Defendant**

**UCB Pharma, Inc.**

**Defendant**

**Watson Pharma, Inc.**

**Defendant**

**Watson Pharmaceuticals, Inc.**

**Defendant**

**Wyeth**



| Date Filed | #        | Docket Text  |
|------------|----------|--|
| 04/19/2005 | <u>1</u> | COMPLAINT against all defendants ( Filing fee \$ 250 receipt number ALB000720) filed by County of Saint Lawrence. (Attachments: # <u>1</u> Exhibit(s) A# <u>2</u> Exhibit(s) B# <u>3</u> Exhibit(s) C# <u>4</u> Errata D# <u>5</u> Exhibit(s) E)(tab) (Entered: 04/19/2005)  |
| 04/19/2005 |          | Summons Issued as to Immunex Corp., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Dermik Laboratories, Inc., Barr Laboratories, Inc., Bayer Corporation, Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Bristol Myers Squibb Company, Oncology Therapeutics Network Corp., Ben Venue Laboratories, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Roxane Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., SmithKline Beecham Corporation, Hoffman-La Roche, Inc., Roche Laboratories, Inc., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, McNeil-PPC, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Abbott Laboratories, Inc., King Pharmaceuticals, Inc., Monarch Pharmaceuticals, Inc., Medimmune, Inc., Merck & Co., Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., UDL Laboratories, Inc., Novo Nordisk Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Sandoz, Inc., Alcon Laboratories, Inc., Organon Pharmaceuticals USA, Inc., Par Pharmaceutical, Inc., Agouron Pharmaceuticals, Inc., Greenstone, Ltd., Pfizer, Inc., Pharmacia Corporation, Purdue Pharma, L.P., Reliant Pharmaceuticals, Sanofi-Synthelabo, Inc., Schering-Plough Corp., Allergan, Inc., Schering Corporation, Warrick Pharmaceuticals Corp., Serono, Inc., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., Watson Pharma, Inc., Watson Pharmaceuticals, Inc., Wyeth, Alpharma, Inc., Purepac Pharmaceutical Co., Amgen, Inc.. (tab, ) (Entered: 04/19/2005) |
| 04/19/2005 | <u>2</u> | G.O. 25 FILING ORDER ISSUED Initial Conference set for 9/20/2005 09:00 AM in Syracuse before Magistrate Judge George H. Lowe. Civil Case Management Plan due by 9/12/2005. (tab) (Entered: 04/19/2005)   |
| 05/13/2005 | <u>3</u> | Letter from Aaron Hovan, outside counsel for County of Saint Lawrence requesting Adjournment of Deadlines. (Hovan, Aaron) (Entered: 05/13/2005)  |
| 05/19/2005 | <u>4</u> | CONDITIONAL TRANSFER ORDER to MDL. (lmp) (Entered: 05/19/2005)   |
| 05/20/2005 | <u>5</u> | LETTER/REQUEST AND ORDER; Letter addressed to MJ Lowe requesting an adjournment from the case management and service   |

deadlines as it is believed this action will be transferred for pretrial purposes to MDL 1465; So Odered deadlines w/ in docket 2 are adjourned sine die; If a transfer order has not been filed by 8/12/05, counsel shall file a status report on that date. Signed by Judge George H. Lowe on 5/20/05. (kcl, ) (Entered: 05/20/2005)

## PACER Service Center

### Transaction Receipt

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| <b>PACER Login:</b>    | us2510        | <b>Client Code:</b>     |                       |
| <b>Description:</b>    | Docket Report | <b>Search Criteria:</b> | 7:05-cv-00479-TJM-GHL |
| <b>Billable Pages:</b> | 4             | <b>Cost:</b>            | 0.32                  |